

In the United States Court of Federal Claims

DAVID L. CALDWELL,

Plaintiff,

V.

THE UNITED STATES.

Defendant.

No. 19-300C

Filed: June 14, 2019

DISMISSAL ORDER

Plaintiff *pro se*, David Caldwell, commenced this action on February 19, 2019 (docket entry no. 1). On April 8, 2019, the government filed a motion to dismiss this matter for lack of subject-matter jurisdiction, pursuant to Rule 12(b)(1) of the Rules of the United States Court of Federal Claims (“RCFC”) (docket entry no. 8). Plaintiff has also moved to proceed in this matter *in forma pauperis* and he has submitted an application for leave to proceed *in forma pauperis* (docket entry no. 4).

Plaintiff's response to the government's motion to dismiss was due on May 6, 2019. On May 10, 2019, the Court issued a Show Cause Order directing plaintiff to explain why he failed to timely respond to the government's motion to dismiss (docket entry no. 11). In the Order, the Court informed plaintiff that, should he fail to respond to the government's motion to dismiss by June 7, 2019, the Court would treat plaintiff's failure to respond as a failure to comply with a Court Order and to prosecute this matter, pursuant to RCFC 41(b). Plaintiff has not timely filed a response to the government's motion to dismiss. RCFC 41(b).

In addition, on May 30, 2019, June 3, 2019, and June 13, 2019, the Clerk's Office received miscellaneous filings from plaintiff that were not responsive to the government's motion to dismiss. There is no provision in the RCFC for the filing of these documents.

In view of the foregoing, the Court:

1. **GRANTS** plaintiff's motion to proceed *in forma pauperis*;
2. **DIRECTS** the Clerk's Office to **RETURN** plaintiff's submissions **UNFILED**; and
3. **DISMISSES** the complaint without prejudice, pursuant to RCFC 41(b).

The Clerk's Office is directed to **ENTER** final judgment consistent with this Order.

No costs.

IT IS SO ORDERED.


LYDIA KAY GRIGGSBY
Judge